

Guidelines for the reopening of economic activities

Labor and Employment – June 1, 2020

Publication of Specific Technical Guidelines for the Reopening of Economic Activities

On May 29, 2020, the Ministry of Health, the Ministry of Economy, the Ministry of Labor and Social Welfare and the Mexican Social Security Institute (“IMSS”) issued an Decree by means of which specific technical guidelines for the reopening of economic activities were established in order to reactivate the economy and continue to care for people's health in the work centers in the context of the current epidemic caused by the SARS-CoV-2 virus (the “Guidelines”).

1. Scope and objective

The Guidelines are of general application for all work centers. They have the main purpose to establish the specific measures that different economic activities must implement to achieve either a return or continuity of the work activities.

In order for the work centers to identify the mandatory measures applicable to their specific case for the return or continuity of their work activities, four dimensions must be considered: (i) the type of activity (essential or non-essential), (ii) the size of the work center, (iii) the health alert level of the location of the work center, and (iv) the specific characteristics of each work center.

Likewise, the Guidelines include checklists of measures that facilitate the identification of the necessary steps to be implemented, training resources and advice from the authorities, and an online mechanism through which work centers carrying out essential activities must compulsorily self-evaluate their compliance, while work centers carrying out non-essential activities may do so voluntarily.

2. Continuity strategy or return to activities

In preparation for the so-called New Normality, the Mexican Government defined a process consisting of three stages, with the fundamental premise of protecting the population by controlling the spread of the virus, as well as preventing new epidemic peaks or outbreaks throughout the country. The three stages are:

First stage. It started on May 18 and includes the "Municipalities of La Esperanza", which are those municipalities that have not reported infections of SARS-CoV-2 and that are not neighbors with municipalities with reported infections. In these localities, the opening of all work, social and educational activities was authorized.

Second stage. It took place between May 18 and May 31 and consisted in the preparation for the reopening of the activities. At this stage, the catalog of activities considered essential was extended to include the construction, mining, and transportation equipment manufacturing industries. On the other hand, the Technical Guidelines for Health Safety in the Work Environment were issued, and are applicable to those companies that, carrying out activities considered essential, restarted activities before June 1. For the restart of activities, companies must have implemented and validated health security protocols, as well as obtained the corresponding authorization from IMSS.

Third stage. Beginning on June 1, this stage represents the beginning of the socioeconomic reopening stage through a weekly epidemiological risk traffic light system by regions (state or municipal). This system will determine the level of health alert and define those activities that are authorized to be carried out in the economic, labor, school and social areas. The traffic light alert levels are maximum (red), high (orange), medium (yellow) and low (green), and will be dictated by the federal authority.

At this stage, all companies will be able to restart operations as long as the epidemiological traffic light allows them, and they have implemented the sanitary measures established in the Guidelines. It will not be necessary to have prior authorization, except in the case of companies carrying out essential activities, which must carry out their online self-assessment mechanism. In other words, they must complete the document "Self-evaluation of the Health Safety Protocol", available on the platform <http://nuevanormalidad.gob.mx/>; as well as the "Letter of Commitment" in which the company states, under protest, that the information of the self-evaluation corresponds to the actual conditions of the workplace. In the event that the same company has several work centers, the aforementioned self-evaluation must be done by each of the work centers.

3. Categorization of the workplace

The work centers must consider four dimensions in order to identify what measures they must implement to comply with the Guidelines: (i) the type of activities they render (essential or non-essential), (ii) the level of epidemiological risk in the municipality where the center is located of work, (iii) the size of the work center, and (iv) its specific characteristics.

(i) Type of activity: The work centers must identify whether or not the activity they carry out is considered essential in accordance with the provisions of the Decrees published in the Official Gazette of the Federation on March 31, April 6, May 14 and 15, 2020 (to see the activities considered essential, please refer to chart "2." at the following [link](#)).

In the event that the alert level is maximum (red), work centers that render essential activities may continue their operations with the restrictions included in the Guidelines, as well as in the instructions issued by the competent authorities.

(ii) Identify the level of epidemiological risk: Workplaces must identify the level of risk established for the municipality in which they are located, in accordance with the Health Alert System. The Health Alert System consists of a regionally applicable traffic light consisting of four alert levels: red for maximum alert, orange for high alert, yellow for intermediate alert and green for daily alert.

(iii) Identify the size of the work center: The work centers will have to identify the size of the economic unit they represent based on the table presented in the Guidelines in order to implement the corresponding measures (to consult the chart of the Guidelines, please refer to chart "4." of the following [link](#)).

(iv) Identify internal characteristics of the workplace: The particular characteristics of the workplace should be identified, considering the following: (a) the personnel in situations of vulnerability or increased risk of contagion for each of the areas or departments of companies and work centers, (b) the personnel who are in charge of caring for minors, older adults, people in situations of vulnerability or greater risk of contagion, and (c) the areas or departments that the work center has.

Once the four previous dimensions have been identified, companies must comply with the sanitary measures identified in charts 6 to 24 of the Guidelines according to the size of their workplace (to consult charts 6 to 24 of the Guidelines, please refer page 9 of the following [link](#)).

Should these measures have an effect on you, please do not hesitate to contact our partners with expertise in labor and employment matters, who can be of assistance:

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